IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 6785 of 2007**

**DATED: 13.4.2007**

**Between:**

A.F.D.T. Junior College High School,
East Godavari district petitioner

And

The Government of A.P.
Rep by its Secretary,
School Education Department, Secretariat, Hyderabad & ors
Respondents

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO. 6785 OF 2007**

ORAL ORDER:

This writ petition is filed seeking the following relief;

> "…..declaring the proceedings of the 3rd respondent dated 26.3.2007, return the proposals sent by the petitioner as not feasible for consideration as it is against to the Rules 6 II of G.O.Rt No. 62 Education (SE-PS-2) Department, dated 31.1.2006 as illegal and to declare the Rule 6 II of G.O.Rt No.62 Education (SE-PS-2) Department dated 31.1.2006 as illegal in violation and contrary to the judgment of Hon'ble High Court in W.P. No. 4120 of 2005 dated 10.3.2005 and the judgment in W.A. No. 1578 of 2005 and batch dated 29.12.2006 to declare that memo NO. 12080/COSE/A2/2004-A is not applicable to the case of the petitioners school and consequently direct the respondents to approve the selections from the date of proposals submitted to the respondents and to pay aided salaries to the teachers who were duly selected by the duly constituted selection committee not withstanding the Ban Memo No. 1280/COSE/A2/2004-4 dated 20.10.2004……"

Today when the matter is taken up, learned Government Pleader fairly conceded that the impugned order was passed without looking into the judgment of the Division Bench of this Court in W.A. No. 1578 of 2005 dated 29.12.2006. It is further submitted that the impugned order is liable to be set aside and the respondents are required to pass a fresh order in the light of the orders of this Court in W.A No. 1578 of

2005 dated 29.12.2006.

Heard the learned counsel for petitioner and learned Government Pleader for Education. Both counsel agreed for disposal of the writ petition at the admission stage.

The issue raised in the present writ petition is covered by the judgment of the Division Bench of this Court in W.A No. 1578 of 2005 dated 29.12.2006. The operative portion of the said judgment reads as under;

> "In view of the above conclusion, we do not consider it necessary to adjudicate on the vires of G.O.Ms.No. 103 dated 5.8.2005. However, we feel that it will be more prudent for the government to examine the entire issue objectively and take corrective measures if it is found that the norms are contrary to the provisions contained in Rule 10 (12) or 10 (17) of the 1993 Rules.
>
> In the result, the appeals are dismissed. The writ petitions filed by the management of the private schools and others are allowed. Now, the management of the private schools shall be free to appoint selected candidates and seek approval of such appointments from the competent authority."

In view of the above, the impugned order is liable to be set aside and the same is hereby set aside. The respondents are directed to reconsider the matter and pass appropriate orders in the light of the judgment of this Court in W.A. No. 1578 of 2005 dated 29.12.2006 expeditiously, preferably within a period of six weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

_____

N.V.RAMANA,J

DATE: 17.4.2007

TVK

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 6785 of 2007**

**DATED: 13.4.2007**

-

-

-